

C-8353

EDGEWOOD

WILLIAM,

INDEPENDENT

ET AL. (3RD

SUPREME COURT OF TEXAS CASES

SCHOOL DISTRICT, ET AL. U.

DISTRICT)

KIRBY,

1988-89 838

C-8353

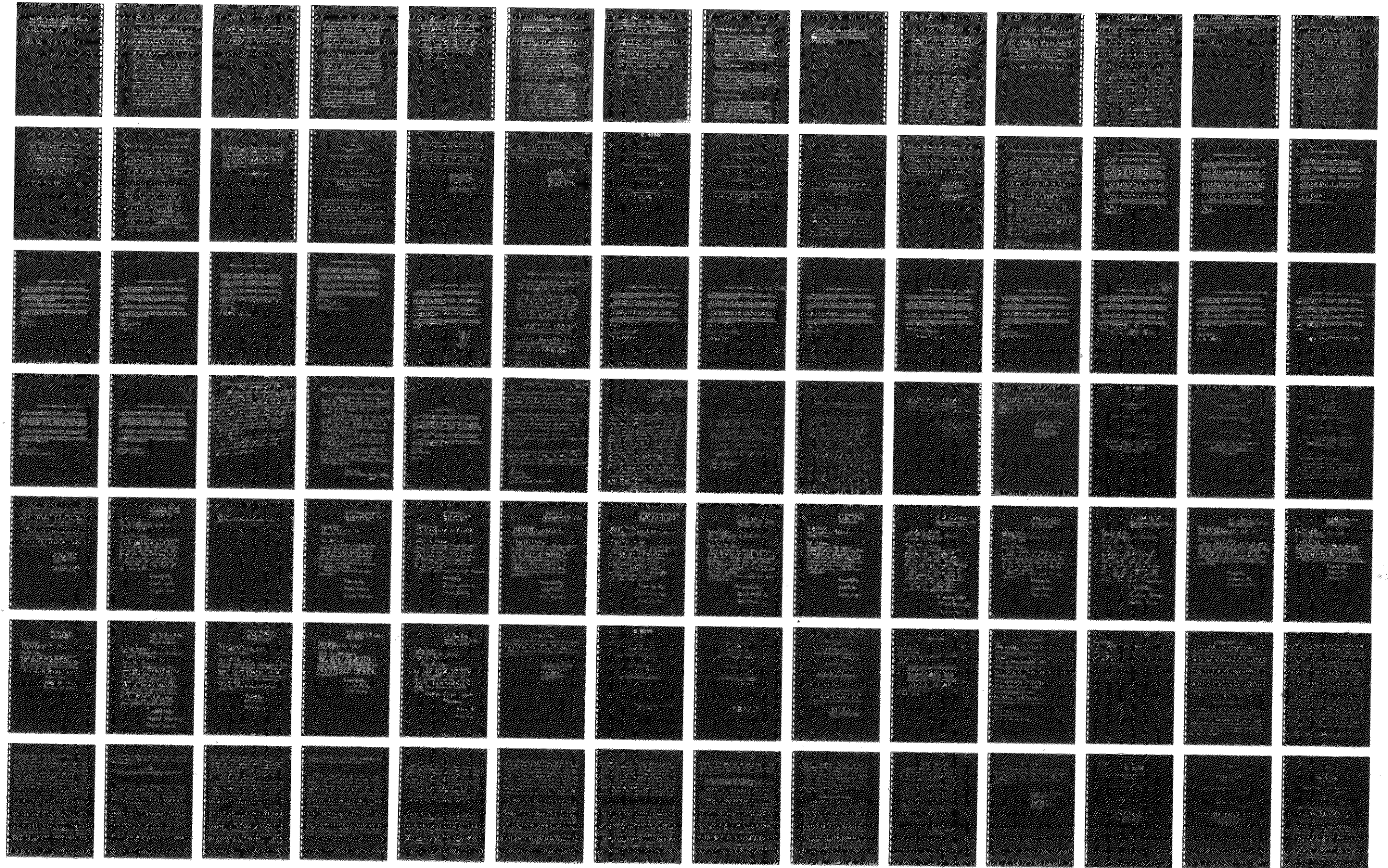
SUPREME COURT OF TEXAS CASES

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL. V.

KIRBY,

030

1988-89



behalf supporting Petitioners  
and Petitioner intervenors in  
the Edgewood case,

Mary Woods

3-23-89

Statement of Amicus CURIAE (PAT BRIJALBA JR)

It is the desire of Pat Brijalba Jr. that the Supreme Court of Texas should here, as soon as possible, The Edgewood Independent School Dist, Et AL., Petitioners, and rule that substantially equal educational opportunity is indeed the Law of the Land in Texas.

Quality education is a right of every American child. Clearly inequities exist <sup>in</sup> ~~of~~ funding of public education. It is a case of have and have not. If we are serious about improving education we must change the current system. Poor school districts must have the financial resources to retain its teachers and offer the programs necessary to prepare our children. The Civil rights issues of the 1960's moved our country forward to a more democratic nation. If our state and country is to move forward in education we must assure every child equal opportunity.

I authorize an attorney selected by the Equity Center to incorporate this statement in an Amicus brief on my behalf supporting petitioners and petitioner intervenors in the Edgewood Case.

Pat Brubaker Jr.

It is my desire, Sidela Gasso, that the Supreme Court of Texas should hear, as soon as possible, the Edgewood Independent School District, E.S. A.L., Petitioners; V. William Kirby, E.S. A.L., Respondents, and rule that substantially equal educational opportunity is needed the law of the land in Texas.

Substantial equal educational opportunity should be given to every school district regardless of size. Lack of modern materials and equipment such as inadequate books and materials in libraries, counselors, student training for different things, specialists in programs as computer training, compensatory classes, college prep for gifted and talented students etc.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner Intervention in the Edgewood case.

Sidela Gasso

I believe that the Edgewood Independent School District should be given substantial equal opportunity. Lack of financial assistance would highly impair students ability to succeed and compete with students in bigger schools, thus denying in many ways, the privilege of getting ready for college, for many making it an absolute impossibility.

Sidela Jasso



March 24, 1989

Statement of amicus curiae  
[Esther Umelas]

It is the desire of Esther Umelas that the Supreme Court of Texas should hear, as soon as possible, the Edgewood Independent School District, Et Al, Petitioners; v. William Kirby, Et Al, Respondents, and rule that substantially equal educational opportunity is indeed the law of the land in Texas.

I believe that smaller schools should receive the same amount of money as bigger schools should so that we can improve our facilities. For instance our school needs new tennis courts and a better track. Also I think



that if we are able to  
improve our facilities  
education will improve  
in smaller schools.

I authorize an attorney  
selected by the Equity Center  
to incorporate this  
statement in an amicus  
brief on my behalf support-  
ing Petitioners and  
Petitioner intervenors  
in the Edgewood case

Esther Annalas

3-24-89

## Statement Of Amicus Curiae Nancy Ramirez

It is the desire of Nancy Ramirez that the Supreme Court of Texas should hear, as soon as possible, the EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL, Petitioners; V. WILLIAM KIRBY, ET AL, Respondents, and rule that substantially equal educational opportunity is indeed the law of the land in Texas.

### Body of Statement

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner Interveners in the Edgewood case.

Nancy Ramirez

I think that all schools should be equal. They should have enough opportunities to learn, for teachers to teach well. Teachers should be paid more because of their teaching. They

Should spend more time teaching. They  
also need to have enough room for  
~~the~~ games, enough seats for people  
to be seated.

March 24, 1989

It is the desire of [Brenda Arriaga] that the Supreme Court of Texas should hear, as soon as possible, the Edgewood Independent School District, ET AL., Petitioners; V. William Kirby, ET AL., Respondents, and rule that substantially equal educational opportunity is indeed the law of the land in Texas.

I believe that all schools should be equal in money. I also think that all schools should be equal with all stuff. For example: some other schools have a better track, better school, and they also have a school counselor. What is wrong with us little schools that we cannot or not be able to get the things that bigger schools can? To me it doesn't matter if we schools are small or not.

I think that we <sup>small</sup> schools should  
get what bigger schools have.

I authorize an attorney selected  
by the Equity Center to incorporate  
this statement in an amicus  
brief on my behalf supporting  
Petitioners and Petitioner  
Intervenors in the Edgewood case.

Sign: Brenda Arriquez

March 24, 1989

State of Amicus Curiae [Melinda Gomez]

It is the desire of Melinda Gomez that the Supreme Court of Texas should hear, as soon as possible, the EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL., Petitioners; V. William Kirby, ET AL., Respondents, and rule that substantially equal educational opportunity is indeed the law of the land in Texas.

I think that small school should be given the same amount of money as larger schools receive. With that sum of money we can improve labs, shops, sports courts and field and other facilities. For example, our school library needs more research material to find information for research we do here at school. Another improvement we need at our school is a track for our track field and more tennis courts. ~~I think that~~

Therefore, I believe if we improve our facilities we can better our education.

I authorize an attorney selected by the

Equity Center to incorporate this statement  
in an amicus brief on my behalf supporting  
Petitioners and Petitioner Interveners in the  
Edgewood case.

Melinda Lopez



March 23, 1989

## Statement of Amicus Curiae (Lynethia Dutchower)

It is the desire of Lynethia Dutchower that the Supreme Court of Texas should hear, as soon as possible, the Edgewood, Independent School District, ET AL., Petitioners; V. William Kirby, ET AL; Respondents, and rules that substantially equal educational opportunity is indeed the law of the land in Texas.

I, as a student here at Balmorhea High School would wish for better funds and facilities to improve the students' education. Our school is going down because of discouraged teachers. That, then, makes the students get discouraged. It influences the students to think that the teachers and whole faculty just "Don't Care"! With the little funding and ~~facilities~~ facilities, the students have less to do and more time to do other things.

If the benefits of students don't increase for smaller schools, the students will get discouraged and things will really go down.

It sometimes happens that if only the rich schools get good funding and poor ones don't. Most of the time

the people in small schools  
have much more to show  
with their intelligence, but  
never get to show it because  
of low funds and facilities  
to learn.

I authorize an attorney  
selected by the Equity Center  
to incorporate this statement  
in an amicus brief on my  
behalf supporting Petitioners  
and Petitioner intervenors  
in the Edgewood case.

Lynthia Butchover

March 24, 1989

Statement of Amicus Curiae [Prissy Gray]

It is my desire that the Supreme Court of Texas should hear, as soon as possible, the Edgewood Independent School District, ET AL., Petitioners; V. William Kirby, ET AL., Respondents, and rule that substantially equal educational opportunity is indeed the law of the land in Texas.

I feel that all schools should be equal, money wise. ~~Teachers in~~ School administration should all be paid equally in the state of Texas, of course individuals job. ~~If we all~~ If teachers got all paid equally, then we'd have teachers applying <sup>everywhere</sup> ~~anywhere~~ for a job, not just where ~~people~~ they got paid more. Even caring teachers. Money is what we should all ~~share and be equal~~ have equally in the schools of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner Interveners in the Edgewood case.

Dussy Gray

NO. C-8353

IN THE

SUPREME COURT OF TEXAS  
AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

THIRD COURT OF APPEALS AT AUSTIN

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
PETITIONER-INTERVENORS BY THE  
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS  
OF BALMORHEA ISD  
BALMORHEA, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the registered voters, taxpayers, parents, teachers and citizens of Balmorhea ISD, Balmorhea, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the litigation. The statements presented are from individuals

who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, the registered voters, taxpayers, parents, teachers and citizens of Balmorhea ISD, Balmorhea, Texas respectfully pray that this Court consider the attached statements and uphold the decision of the trial court in the case at bar.

Respectfully submitted,  
ARNOLD AND NICOLAS  
800 One Capitol Square  
300 West Fifteenth Street  
Austin, Texas 78701  
512-320-5200

by Sandra R. Nicolas  
Sandra R. Nicolas  
State Bar No. 15016500

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 29<sup>th</sup> day of June, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas

Sandra R. Nicolas  
State Bar Number 15016500

ARNOLD AND NICOLAS  
800 One Capitol Square  
300 West Fifteenth Street  
Austin, Texas 78701  
512-320-5200



C 8353

RECEIVED  
IN SUPREME COURT  
OF TEXAS

NO. C-8353

JUN 29 1989

JOHN T. ADAMS, Clerk  
By \_\_\_\_\_ Deputy  
IN THE SUPREME COURT OF TEXAS  
AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
PETITIONER-INTERVENORS BY THE  
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS  
OF SANGER ISD  
SANGER, TEXAS

VOLUME II

NO. C-8353

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
PETITIONER-INTERVENORS BY THE  
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS  
OF SANGER ISD  
SANGER, TEXAS

VOLUME II

NO. C-8353

IN THE

SUPREME COURT OF TEXAS  
AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

THIRD COURT OF APPEALS AT AUSTIN

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
PETITIONER-INTERVENORS BY THE  
REGISTERED VOTERS, TAXPAYERS, PARENTS, TEACHERS AND CITIZENS  
OF SANGER ISD  
SANGER, TEXAS

VOLUME II

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the registered voters, taxpayers, parents, teachers and citizens of Sanger ISD, Sanger, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the

litigation. The statements presented are from individuals who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, the registered voters, taxpayers, parents, teachers and citizens of Sanger ISD, Sanger, Texas respectfully pray that this Court consider the attached statements (Volume II) and uphold the decision of the trial court in the case at bar.

Respectfully submitted,  
ARNOLD AND NICOLAS  
800 One Capitol Square  
300 West Fifteenth Street  
Austin, Texas 78701  
512-320-5200

by Sandra R. Nicolas  
Sandra R. Nicolas  
State Bar No. 15016500

Statement of Amicus Curiae, Roxanne Feldman

Schools in Sanger do not receive adequate funding for our buildings, equipment, supplies, personnel, special programs, etc., yet we have the second highest tax rate in Denton County.

Students' educational opportunities should not be determined by where he or she happens to live. All students need fair and equal opportunities for the best education available. This is only possible through equitable funding.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,  
Roxanne Feldman, Teacher, Sanger I.S.D.

STATEMENT OF AMICUS CURIAE, JACK GARDNER

The present method of distribution of state funds for public education in the State of Texas is not fair nor equitable.

We who live in smaller, poorer districts have to pay much higher tax rates than the larger urban districts, and still, we cannot compete for quality teachers and specialized personnel, such as counselors, curriculum specialists, or librarians, because of the inequitable distribution of funds. We are further penalized when the state legislature demands that school districts implement expensive special programs yet provides no extra money to pay for them.

Our children have the same right to a quality education in adequate facilities as the children who happen to live in the large urban districts. It is not fair that a child, a citizen of Texas, can be limited in his or her educational opportunities simply because of where his or her parents live.

I urge you to hear and support Edgewood vs. Kelly.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you



Jack Gardner  
Plumbing Contractor

STATEMENT OF AMICUS CURIAE, Mary Gardner

I am a Teacher, as well as a tax payer and parent, in a small school district and I am concerned about the inequity in the distribution of state funds for education in the State of Texas.

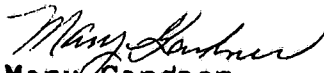
We have to pay higher taxes than the larger urban districts, then sit by and watch while the large districts get a larger share of state funds. Watch while our good teachers leave to find better pay. Watch while our facilities deteriorate and become inadequate, all because of inequality in funding education in the State of Texas.

Our children are being penalized simply by living in a smaller school district. Through no fault of their own they are denied an equal educational opportunity because of where their parents live. And our districts are doomed to remain small and poor because the higher tax rates discourage economic growth and development.

I urge you to hear and support Edgewood vs. Kirby.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

  
Mary Gardner  
Teacher



STATE OF AMICUS CURIAE, CASEY PATTON

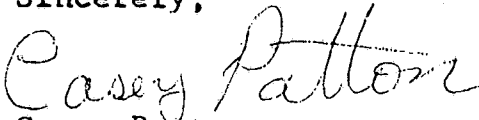
Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,



Casey Patton  
Young Person wanting  
equal educational opportunities.

STATEMENT OF AMICUS CURIAE, *Margie George*

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear *Edgewood v. Kirby* and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the *Edgewood* case.

Sincerely,

*Margie George*  
*Taf payen*

STATEMENT OF AMICUS CURIAE, *Salores Watts*

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement as an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

*Salores Watts*  
*Taxpayer*

STATE OF AMICUS CURIAE, ROBERT PATTON

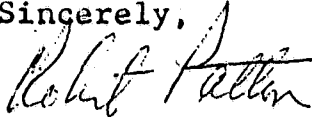
Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

A handwritten signature in cursive script that reads "Robert Patton".

Robert Patton  
Teacher, Father, and Taxpayer

STATE OF AMICUS CURIAE, TERRI PATTON

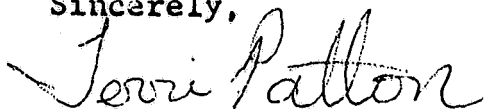
Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

A handwritten signature in cursive script that reads "Terri Patton". The signature is written in dark ink and is positioned below the word "Sincerely,".

Terri Patton  
Teacher, Mother, and Taxpayer

STATEMENT OF AMICUS CURIAE,

*Jerry Schertz*

As a taxpayer, I have only now come to realize that all of the rest of the school districts in the metroplex have not been paying a tax rate as high as \$1.24 just to support their schools.

I did not know that the so-called school reform and that the equity in the distribution of state funds to public schools started by H.B. 72 has not been met by the legislature until just recently.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I urge you to hear and rule in favor of equity in state funds distributed to the public schools in Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

*Jerry Schertz*  
Taxpayer

## Statement of Amicus Curiae, Mary Tonn

I am writing to request that you hear Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger I.S.D. has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Mary Alice Tonn - Teacher



STATEMENT OF AMICUS CURIAE, *SUSAN KWAST*

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.60 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement as an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

*Susan Kwast*  
*Parent / Taxpayer*

STATEMENT OF AMICUS CURIAE,

Randy L Bentley

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

Randy L Bentley

Taxpayer

STATEMENT OF AMICUS CURIAE, DAVID MOORE

I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement as an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

A handwritten signature in cursive script, appearing to read "David L. Moore".

TEACHER

STATEMENT OF AMICUS CURIAE,

Barry Phillips

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Barry Phillips

Concern Tax payer

STATEMENT OF AMICUS CURIAE, Myrtle Gwin

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

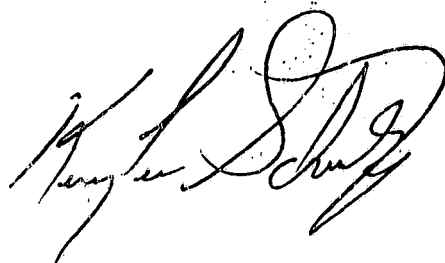
I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

Myrtle Gwin  
Grandmother / Taxpayer

STATEMENT OF AMICUS CURIAE,



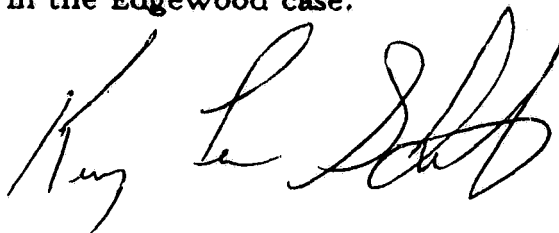
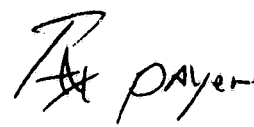
I am vitally concerned about public education in Texas and about the failure of the Legislature and Governor to support an equitable method for the distribution of state funds in Texas.

Our schools have had roofs that leak, low salaries from the custodians to the superintendent, lack of equipment, etc., and high taxes for years. Our tax rate was \$1.20 per hundred back when \$0.50 and \$0.80 rates were considered high.

More money is needed now for the low value districts to meet the challenge of educational reform; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement as an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Thank you,

  R. Payer

STATEMENT OF AMICUS CURIAE,

*Cheryl Schertz*

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

*Cheryl Schertz*  
*Mother / Taxpayer*

STATEMENT OF AMICUS CURIAE,

*Mrs Hubert Schertz*

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc., yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Interveners in the Edgewood case.

Sincerely,

*Mrs Hubert Schertz*  
*grandmother taxpayer*



STATEMENT OF AMICUS CURIAE, Lloyd Gwin

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

*Lloyd Gwin*  
*Grandfather / Taxpayer*

STATEMENT OF AMICUS CURIAE,

*Phyllis Cullum*

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

*Phyllis Cullum*  
*Mother / Taxpayer*

Statement of Amicus Curiae,  
Helen Ruth French Kite

All Texas schools should get equal funding. Sanger has one of the highest tax rates in Denton County, yet funding is lower here than in many districts. Sanger schools must manage without sufficient supplies, teachers, aides, and special school programs because of a shortage of money. Is the education of the students in Sanger less important than education of the children in the districts that receive money? Sanger doesn't think so!

Please be fair and rule in favor of the low property value per student schools in the state of Texas in the Edgewood vs. Kirby case.

Statement of Amicus Curiae, Rose Anne Preston

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc. yet, our school has for years had the second highest Tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities.

I urge you to both hear Edgewood v. Kirby and rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,  
Rose Anne Preston, teacher, tax payer  
parent

STATEMENT OF AMICUS CURIAE,

I am writing to request that you hear the Edgewood v. Kirby suit on behalf of the school districts in Texas with low property values per student.

Sanger ISD has the second highest tax rate out of the eleven schools in Denton County, and at the same time, Sanger has the second lowest value per student in Denton County - this is no coincidence. As a result, our school does not have adequate funds to meet state mandates, provide adequate science labs, etc.

A student's educational opportunities should not be determined by where he or she happens to be born or where his or her parents happen to live.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenors in the Edgewood case.

Sincerely,

*Jack Bigginstaff*

*Taxpayer*

# Statement of Amicus Curiae, Peggy Klein

- Our school district does not have adequate funds for buildings, equipment, supplies, or personnel, yet, our school has the highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities compared to student's ability to succeed in other districts.

More money is needed now in our district; further delays will do irreparable damage.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief supporting Petitioners and Petitioner Intervenors in the Edgewood Case.

Sincerely,

Peggy Klein

Teacher and tax-payer.

112 Kathryn Lane  
Sanger, Texas 76266  
April 5, 1989

Dear Sir,

The legislature placed mandates on our school programs when they passed House Bill 72. Although it has given us some good directives, it has failed to provide appropriate funding for the school districts where there is little wealth. Our tax rate is high, we have little industry as farming is our main occupation. Teacher salaries are at state-base so we have few applicants and our classes are large. We need your consideration of the small school and equity in funding.

I authorize the Equity Center to include this in an amicus brief supporting Peterson in the Edgewood case. Sincerely,  
Alice Madden  
Parent, taxpayer, school principal

STATEMENT OF AMICUS CURIAE, Patricia J. Taylor

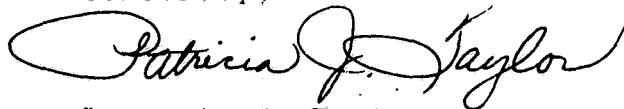
Our schools have never had adequate funds for buildings, equipment, supplies, and yet, our school has for years had the second highest tax rate in Denton County. I have been a taxpayer in Denton County for 11 years. My school taxes are now over \$700 a year.

As a teacher, I see that a student's ability to succeed economically is impaired by inadequate educational opportunities. The young people in our community both want and deserve equal educational opportunities. Our administrators have worked hard to ensure that the funds are spent in the most critical areas, but they have not had sufficient funds to cover all areas.

I urge you to both hear Edgewood vs. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner-Intervenor in the Edgewood case.

Sincerely,



Patricia J. Taylor  
Teacher, Mother, Taxpayer



Statement of Amicus Curiae,  
Margaret Butler

Our schools have never had adequate funds for buildings, equipment, supplies, personnel, etc, yet, our school has for years had the second highest tax rate in Denton County.

A student's ability to succeed economically is impaired by inadequate educational opportunities. The young people of our community both want and deserve equal educational opportunities.

I urge you to both hear Edward v. Kirby and to rule in favor of the low property value per student schools in the state of Texas.

I authorize an attorney selected by the Equity Center to incorporate this statement

in an amicus brief on my  
behalf behalf supporting  
petitioners and petitioners  
intervenor in the Edgewood  
case.

Sincerely,  
Margaret Butler  
Fourth Grade  
Teacher &  
Housewife

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 29<sup>th</sup> day of June, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas

Sandra R. Nicolas  
State Bar Number 15016500

ARNOLD AND NICOLAS  
800 One Capitol Square  
300 West Fifteenth Street  
Austin, Texas 78701  
512-320-5200

RECEIVED  
IN SUPREME COURT  
OF TEXAS

JUN 29 1989

JOHN T. ADAMS, Clerk

By \_\_\_\_\_

C 8353

NO. C-8353

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
PETITIONER-INTERVENORS BY THE  
SCHOOLCHILDREN OF THE FOURTH GRADE CLASS FROM  
HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD,  
SPRINGTOWN, TEXAS

NO. C-8353

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
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SCHOOLCHILDREN OF THE FOURTH GRADE CLASS FROM  
HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD,  
SPRINGTOWN, TEXAS

NO. C-8353

IN THE  
SUPREME COURT OF TEXAS  
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EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,  
Petitioners

V.

WILLIAM KIRBY, ET AL.,  
Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF PETITIONERS AND  
PETITIONER-INTERVENORS BY THE  
SCHOOLCHILDREN OF THE FOURTH GRADE CLASS FROM  
HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD,  
SPRINGTOWN, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the schoolchildren of the Fourth Grade Class from the Hinkle Elementary School of Springtown ISD, Springtown, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the litigation. The statements presented are from individuals who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, schoolchildren of the Fourth Grade Class from the Hinkle Elementary School of Springtown ISD, Springtown, Texas respectfully pray that this Court consider the attached statements and uphold the decision of the trial court in the case at bar.

Respectfully submitted,  
ARNOLD AND NICOLAS  
800 One Capitol Square  
300 West Fifteenth Street  
Austin, Texas 78701  
512-320-5200

by Sandra R. Nicolas  
Sandra R. Nicolas  
State Bar No. 15016500

2-29 Quessa View East  
Weatherford, Tx 76086  
March 29, 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin, Tx 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all of the school districts get equal funding. I would like to see the Edgewood case come to court as soon as possible, and a decision to be made quickly.

Thank you very much for your cooperation

Respectfully,

Angela York

Angela York



**PLEASE NOTE:**

The following statements are essentially identical to the first statement bound in this volume.

2719 Viking Ave Apt. #7  
Springtown, Tx 76082  
March 29, 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin, Tx 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the school districts gets equal funding. I would like to see the Edgewood case come to court as soon as possible, and a decision to be made quickly.

Thank you very much for your cooperation.

Respectfully,

Heather Peterson

Heather Peterson

54 Blackiston  
Paradise, Tx 76073  
March 29, 1989

Equity Center  
300 West Fifteenth St. Suite 214  
Austin, Tx 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the school districts get equal funding. I would like to see the Edgewood case come to court as soon as possible, and a decision to be made quickly.

Thank you very much for cooperating.

Respectfully

Jennifer Gardeline

Jennifer Gardeline

805 E. 3rd  
Springtown TX 76082  
March 29, 1989

Equity Center  
300 W. Fifteen St. Suite 214  
Austin, TX 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the school districts get equal funding. I would like to see the Edgewood case come to court as soon as possible, and a decision to be made quickly. Thank you very much for your cooperation.

Respectfully,

Kelly Melton

Kelly Melton

2804 Meadowlake St.  
Ayle, Tx. 76020  
March 29, 1989

Equity Center  
300 W. Fifthteenth St. Suite 214  
Austin, Tx. 78701

Dear Mr. Foster:

I am a student in the Spring-  
town School District. I would  
like to see all the school  
districts get equal funding.  
I would like to see the  
Edgewood case come to court  
as soon as possible, and a  
decision to be made quickly.

Thank you very much  
for your cooperation

Respectfully,

Amber Swiney

Amber Swiney

P.O. Box 1003  
Springtown, TX 76082  
March 24, 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin, TX 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the school district get equal funding, I would like to see this Edgewood case come to court as soon as possible, and a decision be made quickly.

Thank you very much for your cooperation.

Respectfully

April Mathis

April Mathis

703 E. 3rd Apt #101  
Springtown Tx 76082  
March 29, 1989

Equity Center  
300 W. Fifth St. Suite 214  
Austin Tx 78701

Dear Dr. Foster:

I am a student in Springtown  
School District. I would like all the  
school districts get equal funding.  
I would like to see the Edge wood  
come to court as soon as possible, and  
a decision to be made quickly.  
Thank you very much for your  
cooperation.

Respectfully,

Brenda Lantgen

Brandi Lantgen

P.O. Box 720  
Springtown, TX 76082  
March 29, 1989

Equity Center  
300 W. Fifteen St. Suite  
Austin, TX. 78701

Dear Mr. Foster:

I am a student in the  
Springtown school  
District. I would like  
to see all the school  
Districts get equal funding.  
I would like to see the  
Edgewood case come  
to court as soon as  
possible, and a decision  
to be made quickly.

Thank you for  
your cooperation

Respectfully

Mark Herrell

Mark Herrell



708 Westover Lane  
Springtown, Tx 76082  
March, 29, 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin, Tx 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to all the school districts to get equal funding. I would like to see the Ed wood case come to court as soon as possible and a decision to be made quickly.

Thank you very much for your cooperation,

Respectfully

Jason Leahy

Jason Leahy

Rt. 3, Box 181-45  
Springtown, Tx 76082  
March 29, 1989

Equity Center  
300 W. Fifteen St. Suite 214  
Austin, Tx. 78701

Dear Mr. Foster:

I am a student in the  
Springtown School District.  
I would like to see all  
the school district get  
equal funding. I would like  
to see the Edgewood case  
come to be made quickly.

Thank you very  
much for your cooperation.

Respectfully,

Caroline Boster

Caroline Boster

P.O. Box 239  
Springtown, TX. 76082  
March 29, 1989

Equity Center  
300 West Fifteenth St. Suite 214  
Austin, TX. 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the school districts get equal funding. I would like to see the Edgewood case come to court as soon as possible, and a decision quickly.

Thanks you very much for your cooperation.

Respectfully,

Christopher Lee

Christopher Lee

Harris Street Rt. 3 Box 44 E  
Azle 76020  
March 29, 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin, Tx. 78701

Dear Mr. Foster:

I am a student in ~~the~~ the Springtown School District. I would like to see all the school district get equal funding. I would like to see the edgewood case come to court as soon as possible, and a decision to be made quickly.

Thank you very much for your cooperation.

Respectfully,

Kathleen May

Kathleen May

Rt. 1 Box 373-20  
Springtown TX 76082  
Mark 29, 1989

Equity Center  
300 W. Fifteen St. Suite 214  
Astin, TX 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the School districts get ~~the~~ equal funding. I would like to see the edgewood case come to court as soon as possible, and a decision to be made quickly.

Thank you for your cooperation.

Respect + Fully,

Jeffery Schneider

Jeffery Schneider

2809 Meadow Oaks  
Azle Tx. 76020  
March 29, ~~1988~~ 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin, Tx. 78701

Dear Mr. Foster:

I am a student in the  
Springtown School District  
I would like to see all  
the school districts get  
equal funding I would  
like to see the Edgewood  
case come to court as soon  
as possible, and a decision  
to be made quickly  
Thank you very much  
for your cooperation.

Respectfully,

Crystal Hopkins

Crystal Hopkins

R.T.3 Box 61-6  
Springtown TX 76082  
March 29, 1989

Equity Center  
300 West 15th ST. Suite 214  
Austin, TX 78701

Dear Mr. Foster:

I am a student in the Springtown School District. I would like to see all the school districts get equal funding. I would like to see the Edgewood case come to court as soon as possible and a decision to be made quickly.

Thank you very much for your cooperation.

Respectfully  
John Farris

John Farris

R. T. 2 Box 230-28  
Springtown, T. X. 76082  
March 29, 1989

Equity Center--  
300 W. Fifteenth St. Suit 214  
Austin, T. X. 78701

Dear Mr. Foster: ~~I am a~~  
I am a student in the Springtown  
School District. I would like to see all the  
school districts get equal funding. I  
would like to see the Edgewood case  
come to court as soon as possible  
and a decision to be made quickly.  
I thank you very much for your  
cooperation

Respectfully,

Tyler Harvey

Tyler Harvey



35 Deer Butte  
Weather Ford, Tx. 76086  
March 29, 1989

Equity Center  
300 W. Fifteenth St. Suite 214  
Austin Tx., 78701

Dear Mr. Foster:

I am a student in the Spring  
town School District. I would like to  
see all the ~~school~~<sup>school</sup> districts get  
equal funding. I would like to see the  
Edgewood case come to court as soon as  
possible and a decision to be made  
quickly.

Thankyou for your cooperation.

Respectfully,

Sandra Cobb

Sandra Cobb

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 29<sup>th</sup> day of June, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas

Sandra R. Nicolas  
State Bar Number 15016500

ARNOLD AND NICOLAS  
800 One Capitol Square  
300 West Fifteenth Street  
Austin, Texas 78701  
512-320-5200

RECEIVED  
IN SUPREME COURT  
OF TEXAS

**C 8353**

NO. C-8353

JUN 29 1989

JOHN T. ADAMS, Clerk

By \_\_\_\_\_ Deputy

IN THE

SUPREME COURT OF TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF  
PETITIONERS' AND PETITIONER-INTERVENORS'

FRIENDSWOOD INDEPENDENT SCHOOL DISTRICT  
302 Laurel Drive  
Friendswood, Texas 77546

NO. C-8353

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IN THE  
SUPREME COURT OF TEXAS

---

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

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BRIEF OF AMICUS CURIAE IN SUPPORT OF  
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FRIENDSWOOD INDEPENDENT SCHOOL DISTRICT  
302 Laurel Drive  
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EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents


---

BRIEF OF AMICUS CURIAE IN SUPPORT OF  
PETITIONERS AND PETITIONER-INTERVENORS

---

TO THE SUPREME COURT OF TEXAS:

Amicus Curiae, Friendswood Independent School District, file this Brief in Support of Petitioners, Edgewood Independent School District, et al., and Petitioner-Intervenors, Alvarado Independent School District, et al.

  
\_\_\_\_\_  
Ted L. Thomas, Superintendent  
Friendswood Independent School  
District

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STATEMENT OF JURISDICTION  
AND JURISPRUDENTIAL IMPORTANCE

Jurisdiction exists under Section 22.001(a)(1), (2), (3), (4), and (6) of the Texas Government Code Annotated (Vernon 1988): a lengthy dissenting opinion was filed in the court of appeals below; the Dallas Court of Appeals has ruled differently from the court of appeals in this case on a question of law material to a decision of this case, Stout v. Grand Prairie I.S.D., 733 S.W.2d 290, 294 (Tex.App. -- Dallas 1987, writ ref'd n.r.e.) (holding that education is a fundamental right under the Texas Constitution); this case involves the construction or validity of a statute necessary to the determination of the case (Tex. Educ. Code §16.001, et seq.); this case involves the allocation of state revenue; and the court of appeals below has committed an error which is of "importance to the jurisprudence of the state." If left uncorrected, the judgement of the court of appeals will deny a significant percentage of Texas school children an equal educational opportunity. If ever a case demanded discretionary review, it is this one.

INTEREST OF THE AMICUS CURIAE

The undersigned are officials of school districts in Texas and others concerned with the quality of public education in this State. Our interest is in the education of the children of Texas.

The trial court's extensive findings of fact have been undisturbed on appeal. These fact findings depict well the gross inequity of the Texas school finance system. It is these inequities and disparities that we, like all school districts of limited taxable wealth, confront and combat on a daily basis.

There is a vast disparity in local property wealth among the Texas school districts. (Tr. 548-50).<sup>1</sup> The Texas school finance system relies heavily on local district taxation. (Tr. 548). These two factors result in enormous differences in the quality of educational programs offered across the State.

There is a direct positive relationship between the amount of property wealth per student in a district and the amount the district spends on education. (Tr. 555). Because their tax bases are so much lower, poorer districts must tax at higher tax rates than the wealthier districts. Even with higher tax rates, however, poorer districts are unable to approach the level of expenditures maintained by wealthier districts. Wealthier districts, taxing at much lower rates, are able to spend significantly more per student. Conversely, poorer districts endure a much higher tax burden, yet are still unable to adequately fund their educational programs.

The interdependence of local property wealth, tax burden, and expenditures, which is so debilitating to the property-poor school districts, is revealed in numerous fact findings of trial court. For example, the wealthiest school district in Texas has more than \$14,000,000 of property wealth per student, while the poorest district has approximately \$20,000 of property wealth per student, a ratio of 700 to 1. (Tr. 548). The range of local tax rates in 1985-86 was from \$.09 (wealthy district) to \$1.55 (poor district) per \$100.00 valuation, a ratio in excess of 17 to 1. By comparison, the range of expenditures

---

<sup>1</sup>The Transcript is cited as "Tr." The pages of the Transcript cited in this Brief contain the trial court's Findings of Fact and Conclusions of Law.

per student in 1985-86 was from \$2,112 per student (poor district) to \$19,333 (wealthy district). (Tr. 550-52).

As the trial court found, differences in expenditure levels operate to "deprive students within the poor districts of equal educational opportunities." (Tr. 552). Increased financial support enables wealthy school districts to offer much broader and better educational experiences to their students. (Tr. 559). Such better and broader educational experiences include more extensive curricula, enhanced educational support through additional training materials and technology, improved libraries, more extensive counseling services, special programs to combat the dropout problem, parenting programs to involve the family in the student's educational experience, and lower pupil-teacher ratios. (Tr. 559). In addition, districts with more property wealth are able to offer higher teacher salaries than poorer districts in their areas, allowing wealthier districts to recruit, attract, and retain better teachers for their students. (Tr. 559).

The denial of equal educational opportunities is especially harmful to children from low-income and language-minority families. As the trial court found, "children with the greatest educational needs are heavily concentrated in the State's poorest districts." (Tr. 562). It is significantly more expensive to provide an equal educational opportunity to low-income children and Mexican American children than to educate higher income and non-minority children. (Tr. 563). Therefore, the children whose need for an equal educational opportunity is greatest are denied this opportunity.

Not only are the disparities and inequities found to exist by the trial court shocking, they render the Texas school finance system constitutionally infirm.

#### ARGUMENT

I. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE STATE CONSTITUTIONAL GUARANTEE OF EQUAL RIGHTS (Op. 3-13).

A.

The denial of equal educational opportunity violates a fundamental right under the Texas Constitution. "Fundamental rights have their genesis in the expressed and implied protections of personal liberty recognized in federal and state constitutions." Spring Branch I.S.D. v. Stamos, 695 S.W.2d 556, 560 (Tex. 1985). Recognizing that education is "essential to the preservation of the liberties and the rights of the people," Article VII, Section 1 imposes a mandatory duty upon the Legislature to make suitable provision for the support and maintenance of an efficient school system. See, e.g., Bowman v. Lumberton I.S.D., 32 Tex.Sup.Ct.J.104, 106 (Dec. 7, 1988). Article I, Section 3 guarantees the equality of rights of all citizens. It is in these two constitutional provisions that equal educational opportunity has its genesis as a fundamental right in the Texas Constitution.

Thus, our state constitution, unlike the federal Constitution, expressly declares the fundamental importance of education. Education

provides the means -- the capacity -- to exercise all critical rights and liberties. Education gives meaning and substance to other fundamental rights, such as free speech, voting, worship, and assembly, each guaranteed by the Texas Constitution. A constitutional linkage exists between education and the "essential principles of liberty and free government," protected by the Texas Bill of Rights. Tex. Const. Art. I, Introduction to the Bill of Rights.

The Texas Legislature and Texas courts have also recognized that the Texas Constitution protects against the denial of equal educational opportunity. In authorizing the creation of the Gilmer-Aikin Committee to study public education in Texas, the Legislature recognized "the foresight and evident intentions of the founders of our State and the framers of our State Constitution to provide equal educational advantages for all." Tex. H.C.Res. 48, 50th Leg. (1948). Moreover, Section 16.001 of the Texas Education Code, enacted in 1979, recognizes the policy of the State of Texas to provide a "thorough and efficient" education "so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors." Two courts have concluded that Article VII, Section I's efficiency mandate connotes equality of opportunity. Mumme v. Marrs, 40 S.W.2d 31 (Tex. 1931); Watson v. Sabine Royalty, 120 S.W.2d 938 (Tex.Civ.App. -- Texarkana 1938, writ ref'd). Finally, the only other Texas appellate court to directly confront the fundamental right question has concluded, citing Article VII, that education is indeed a fundamental right

guaranteed by the Texas Constitution. Stout v. Grand Prairie I.S.D., 733 S.W.2d 290, 294 (Tex.App.-- Dallas 1987, writ ref'd n.r.e.).

B.

Wealth is a suspect category in the context of discrimination against low-income persons by a state school finance system. Serrano v. Priest (II), 18 Cal.3d 728, 557 P.2d 929, 957, 135 Cal. Rptr. 345 (1976). In addition, a fundamental right cannot be denied because of wealth. Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed.2d 600 (1969). Justice Gammage, in his dissenting opinion, ably distinguishes San Antonio I.S.D. v. Rodriguez, 411 U.S. 1, 36 L.Ed.2d 16 (1973), the sole case relied upon by the Court of Appeals in its suspect classification analysis. (Diss.Op. 9-10). The Rodriguez Court observed: "there is no basis on the record in this case for assuming that the poorest people -- defined by reference to any level of absolute impecunity -- are concentrated in the poorest districts." 36 L.Ed.2d at 37 (emphasis added). Unlike the Rodriguez Court, this Court now benefits from a record replete with substantiated and undisputed findings on the wealth issue. (Tr. 562-565). For example, "[t]here is a pattern of a great concentration of both low-income families and students in the poor districts and an even greater concentration of both low-income students and families in the very poorest districts." (Tr. 563).

C.

Because the Texas school finance system infringes upon a fundamental right and/or burdens an inherently suspect class, the system is subject to strict or heightened equal protection scrutiny. Stamos, 695 S.W.2d at 560. This standard of review requires that the infringement upon a fundamental right, or the burden upon a suspect class must be "reasonably warranted for the achievement of a compelling governmental objective that can be achieved by no less intrusive, more reasonable means." T.S.E.U. v. Department of Mental Health, 746 S.W.2d 203, 205 (Tex.. 1987). The Texas school finance system surely cannot survive this heightened level of scrutiny. Even the United States Supreme Court recognized as much in Rodriguez. 36 L.Ed.2d at 33.

D.

Neither does the Texas school finance system satisfy rational basis analysis. In Whitworth v. Bynum, 699 S.W.2d 194 (Tex. 1985), this Court articulated its own rational basis test to determine the reach of the equal rights provision of the Texas Constitution. Drawing upon the reasoning of Sullivan v. University Interscholastic League, 599 S.W.2d 170 (Tex. 1981), the Court fashioned a "more exacting standard" of rational basis review. Whitworth, 699 S.W.2d at 196. As the Court stated in Sullivan, equal protection analysis requires the court to "reach and determine the question whether the classifications drawn in a

statute are reasonable in light of its purpose." Sullivan, 616 S.W.2d at 172. The Texas school finance system cannot withstand review under the Texas rational basis test. "Local control" has been proffered as a justification, but this concept marks the beginning, not the end, of the inquiry. Local control does not mean control over the formation or financing of school districts. These are State functions, for school districts are "subdivisions of state government, organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefit of the people." Lee v. Leonard I.S.D., 24 S.W.2d 449, 450 (Tex.Civ.App. -- Texarkana 1930, writ ref'd).

In contrast to local control, there are two constitutionally and statutorily stated purposes underlying the Texas school finance system. First, Article VII, Section 1, of the Constitution commands the Texas Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Second, Section 16.001 of the Texas Education Code expresses the State policy that "a thorough and efficient system be provided ... so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors."

The Texas school finance system is not rationally related to any of the above-discussed alleged or actual purposes. The trial court made a number of fact findings which bear directly upon the rationality of



the system. The findings reveal the vast disparity in property wealth (Tr. 548-49), tax burden (Tr. 553-55), and expenditures (Tr. 551-60); the failure of state allotments to cover the real cost of education (Tr. 565-68); and the denial of equal educational opportunity to many Texas school children (Tr. 601). The irrationality endemic to the Texas system of school finance has also been recognized, and criticized, by every serious study of public education in Texas ever undertaken, including the Statewide School Adequacy Survey, prepared for the State Board of Education in 1935; the Gilmer-Aikin Committee Report of 1948; and the Governor's Committee on Public School Education Report of 1968.

E.

Finally, the Texas system of funding public education is in no way legitimated or authorized by Article VII, Section 3 of the Texas Constitution. That section merely authorizes the Legislature to create school districts and, in turn, to authorize those districts to levy ad valorem taxes. The court of appeals would have us accept the rather strange notion that whenever the Constitution authorizes the Legislature to act, the courts are foreclosed from constitutional equal rights review of the product of the Legislature's actions. The Legislature created school districts in Texas, authorized them to tax, and allocated 50% of the funding of public education in Texas to ad valorem taxes generated from local tax bases. Inasmuch as "school districts are but subdivisions of the state government, organized for convenience in

exercising the governmental function of establishing and maintaining public free schools for the benefit of the people," no amount of sophistry will permit the State to avoid judicial review of its product. Lee, 24 S.W.2d at 450.

II. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION DOES NOT MEET THE MANDATORY DUTY IMPOSED UPON THE LEGISLATURE BY THE TEXAS CONSTITUTION TO MAKE SUITABLE PROVISION FOR THE SUPPORT AND MAINTENANCE OF AN EFFICIENT PUBLIC SCHOOL SYSTEM (Op. 13).

The court of appeals erred in refusing to determine whether the current system meets the constitutional duty imposed upon the Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Tex. Const. Art. VII, §1. "Suitable" and "efficient" are words with meaning; they represent standards which the Legislature must meet in providing a system of public free schools. If the system falls below that standard -- if it is inefficient or not suitable -- then the Legislature has not discharged its constitutional duty and the system should be declared unconstitutional. Courts are competent to make this inquiry. The findings of the trial court, and the conclusions reached in every serious study of Texas education, reveal the gross inefficiency and inequity of the current Texas school finance system.

III. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE DUE COURSE OF LAW PROVISION OF THE TEXAS CONSTITUTION (Op. 15).

State officials have thrust increasingly heavy financial burdens upon local school districts. Wealthy districts have little trouble

meeting these obligations; but for poorer districts, such state-imposed mandates have required substantial increases in property tax rates. The disproportionate burdens imposed upon poorer districts constitute deprivations of property without due course of law, in violation of Article I, Section 19 of the Texas Constitution. In addition, the disparate burdens imposed by the State fly in the face of the constitutional mandate that taxation "shall be equal and uniform." Tex.Const. Art. VIII, §1.

#### CONCLUSION AND PRAYER FOR RELIEF

The trial court correctly concluded of the Texas system of funding public education: "The wealth disparities among school districts in Texas are extreme, and given the heavy reliance placed upon local property taxes in the funding of Texas public education, these disparities in property wealth among school districts result in extreme and intolerable disparities in the amounts expended for education between wealthy and poor districts with the result that children in the property poor school districts suffer a denial of equal educational opportunity." (Tr. 592). For the reasons stated in this Brief, the undersigned amicus curiae request that this Court reverse the judgement of the court of appeals and affirm the judgement of the trial court. We must no longer tolerate an educational system that perpetuates such inequity.

## STATEMENT OF AMICUS CURIAE

Statement of Amicus Curiae Clay Bockart, I authorize an attorney selected by the Equity Center to incorporate this statement in an Amicus Curiae brief on my behalf supporting Petitioners and Petitioner Intervenors in the Edgewood Case.

I feel the low salaries offered at the high school I attend deter some very exciting and qualified teachers from seeking employment there. The importance of education is found in that it is what we base our lives on. A poor education will undoubtedly secure a poor future. That is why a good education is guaranteed to us by the constitution. This is also why the government must help the schools who are not wealthy to secure a good education. There is an increasingly competitive world after high school and if we are not prepared for it, it will eat us up and spit us out before we even have a chance. I plead with you to help the poorer districts.

Respectfully,

*Clay D. Bockart*

Clay Bockart

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 29<sup>th</sup> day of June, 1989, by United States Mail, postage prepaid to all counsel of record.

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AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND  
PETITIONER-INTERVENORS BY  
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TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the Teachers, Graduates and Students of Copperas Cove High School, Copperas Cove, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the litigation. The statements presented are from individuals who have a substantial interest in preserving the State's